

Bond Case Briefs

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CHARTER AMENDMENT - CALIFORNIA

Coalition of County Unions v. Los Angeles County Board of Supervisors

Court of Appeal, Second District, Division 3, California - July 28, 2023 - Cal.Rptr.3d - 2023 WL 4862020

Coalition of county employee unions and two individuals filed petition for peremptory writ of mandate prohibiting county board of supervisors and county chief executive officer (CEO) from enforcing voter-adopted county charter amendment, which required board to annually allocate at least 10% of locally generated unrestricted revenues in general fund to direct community investment and alternatives to incarceration and prohibited such funds from being allocated to any carceral system or law enforcement agency.

The Superior Court, Los Angeles County, granted petition. Respondents appealed.

The Court of Appeal held that:

- Amendment was authorized by constitutional provision allowing counties to provide for powers and duties of local officers and operation of local governments;
- Amendment comported with constitutional requirement that county charters provide for performance of statutorily mandated functions;
- Voters were authorized to approve ballot measure amending county charter;
- Amendment did not incapacitate county from performing state-delegated public functions;
- County Budget Act did not reflect legislative intent to exclusively delegate county budgeting to boards of supervisors; and
- Statutes governing Public Safety Augmentation Fund did not reflect legislative intent to preclude local referenda and initiatives on public safety budgeting.

Voter-adopted amendment to county charter which required county board of supervisors to allocate portion of general fund revenues to community investment and incarceration alternatives and prohibited such funds' allocation to carceral and police uses defined power and duty of county's governing body, and thus, was authorized by constitutional provision allowing counties to provide for powers and duties of local officers and operation of local governments, even though amendment limited board's discretion as to budgeting duty; "power" set forth in amendment was allocation of locally generated unrestricted revenues, "duty" was directing 10% of such revenues to particular purposes, and Constitution did not preclude charter amendments from restricting or reassigning governing body's powers.

Voter-adopted amendment to county charter which required county board of supervisors to allocate portion of locally generated unrestricted revenues in general fund to direct community investment and alternatives to incarceration and prohibited such funds from being allocated to any carceral system or law enforcement agency comported with constitutional provision requiring county charters to provide for performance of functions required by statute; County Budget Act required county boards of supervisors to adopt county budgets on annual basis, and amendment guided board

in such process by describing how portion of budget was to be allocated.

Constitutional provisions on local government authorized voters to approve ballot measure amending county charter to require county board of supervisors to allocate at least 10% of certain revenues in general fund to direct community investment and other specified purposes and precluding board from allocating such funds to carceral or police uses, even though Constitution did not expressly allow voters to have any role in county budgeting; Constitution required county charter to be amended only “in the same manner” as it was originally adopted, namely by majority vote of county’s voters, such that voters had constitutional right to amend charter on any topic that was proper subject of county charter, which included budgeting.

Voter-adopted amendment to county charter, which required county board of supervisors to allocate 10% of locally generated unrestricted revenues in general fund to direct community investment and alternatives to incarceration and prohibited such funds’ allocation for carceral or police uses, did not incapacitate county from performing public functions delegated to it by state, and thus, did not exceed scope of county’s constitutionally permissible self-governance; amendment increased budgetary stability for certain expenditures that voters prioritized, board could reduce 10% set-aside in event of fiscal emergency or voters could amend charter again if amendment proved unduly constraining, and amendment, which was meant to reduce crime, did not facially impair public safety.

County Budget Act’s references to “board of supervisors” as entity responsible for adopting county budget did not unambiguously indicate Legislature meant to exclusively delegate budgeting decisions to county boards of supervisors and preclude local electorates from exercising initiative and referendum powers on issues of county budgeting; Act, which applied only to counties, simply referred to boards because no other local legislative or governing body could enact county budget.

Voter-adopted ballot measure, which amended county charter to require county board of supervisors to allocate certain portion of revenue from general fund to direct community investment and other purposes and precluded such funds’ allocation for carceral or police uses, did not allow electorate to exercise any powers or duties which County Budget Act granted to board and other county officials, including board’s power to expend money to fund programs it deemed advisable or necessary, and thus, measure did not conflict with Act; measure did not allow voters to engage in statutory procedures for preparing recommended budget and adopting final budget or preclude board or officials from undertaking such duties, and board retained power to decide recipients and amounts of funding.

County Budget Act did not reflect legislative intent to delegate setting of budget priorities exclusively to local governing bodies in order to fulfill Act’s statewide objectives, and thus, state’s general interest in county budgeting, as reflected in Act, did not weigh in favor of finding that Legislature intended to preclude voters in county from amending county charter by initiative or referendum so as to require board of supervisors to annually expend certain funds on direct community investment and incarceration alternatives and preclude board from allocating such funds to carceral and police uses; Act set forth some general, procedural parameters for county budgeting, but left substance of budget allocations entirely to individual counties.

Voter-adopted ballot measure that required county board of supervisors to allocate 10% of locally generated unrestricted revenues in general fund to incarceration alternatives and other purposes and precluded board from allocating such funds to carceral or police uses did not conflict with statutes governing Public Safety Augmentation Fund, and thus, statutes did not reflect legislative intent to preclude voters’ exercise of initiative and referendum rights regarding counties’ public safety budgets; statutes were not abstract declarations of interest in public safety, but rather, set up

concrete framework for collection of sales tax revenues and distribution to local governments through Fund, whereas measure concerned only locally generated, unrestricted revenues, not Fund revenues.